

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jun-ho SUNG et al.

Application No.: 10/769,777

Confirmation No.: 9278

Filed : February 3, 2004

Group Art Unit: 2624

Customer No. : 38209

Examiner: Katrina R Fujita

For: METHOD AND AN APPARATUS TO DIVIDE IMAGE BLOCKS

Mail Stop Issue Fee
Commissioner for patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 1.104**

Sir:

The Examiner provided a Statement of Reason for Allowance in the Notice of Allowance and Fee Due, mailed December 11, 2009, in which the Examiner indicated that "the prior art of record does not teach determining thereby whether to split the macro block into sub blocks by determining whether the *macro block at a same location in a preceding image frame has been split*, as stated in claims 1, 16, 25-27 and 42, combined with other elements and features of the claims; determining not to split the *macro block if the macro block at a same location in a preceding image frame has not been split*, as stated in claim 51, combined with other elements and features of the claims" (emphasis original).

With regard to independent claim 1, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "setting a plurality of splitting threshold values with a macro block splitting determining unit of the image block splitting apparatus to compare with a characteristic of a macro block in an image frame and determining thereby whether to split the macro block into sub blocks with the macro block splitting determining unit by determining whether the macro block at a same location in a preceding image frame has been split."

With regard to independent claim 16, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "setting a plurality of macro block splitting threshold values for splitting a macro block in an image frame into sub blocks and determining whether to split the macro block by determining whether a macro block at a same location in a preceding image frame has been split with a macro block splitting determining unit of the image block splitting apparatus" and "setting a plurality of sub block splitting threshold values for splitting the sub block into smaller sub blocks and determining whether to split the sub block into smaller sub blocks by determining whether a sub block at a same location in the preceding image frame has been split with a sub block splitting determining unit of the image block splitting apparatus."

With regard to independent claim 25, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "setting a plurality of splitting threshold values to compare with a characteristic of a macro block in an image frame and determining thereby whether to split the macro block into sub blocks by determining whether the macro block at a same location in a preceding image frame has been split."

With regard to independent claim 26, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "setting a plurality of macro block splitting threshold values for splitting a macro block in an image frame into sub blocks and determining whether to split the macro block by determining whether the macro block at a same location in a preceding image frame has been split" and "setting a plurality of sub block splitting threshold values for splitting the sub block into smaller sub blocks and determining whether to split the sub block into smaller sub blocks by determining whether the sub block at a same location in the preceding image frame has been split."

With regard to independent claim 27, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "a macro block splitting determining unit that sets a plurality of macro block splitting threshold values for splitting a macro block in an image frame into sub blocks and determines therewith whether to split the macro block by determining whether the macro block at a same location in a preceding image frame has been split."

With regard to independent claim 42, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "a macro block splitting determining unit that sets a plurality of macro block splitting threshold values for splitting a macro block in an image frame into sub blocks and determines whether to split the macro block by determining whether the macro block at a same location in a preceding image frame has been split" and "a sub block splitting determining unit that sets a plurality of sub block splitting threshold values for splitting each sub block into smaller sub blocks and determines whether to split each sub block by determining whether the sub block at a same location in the preceding image frame has been split."

With regard to independent claim 52, Applicants respectfully submit that the prior art of record does not teach, disclose, or suggest, among, other things, "splitting macro image blocks each of left-eye views and right eye views into sub image blocks according to quadtree disparity estimation using a plurality of splitting threshold values and determining not to split the macro block if the macro block at a same location in a preceding image frame has not been split with a macro block splitting determining unit of the image block splitting apparatus."

Applicants respectfully submit that claims 3, 4, 6-10, 13, 17-19, 22, 29-30, 32, 34-36, 39, 43-45, 48, 52-55 and 57, which depend from claims 1, 16, 25, 26, 27, 42, and 51, respectively, recite additional features that may be patentably distinguishable over the prior art of record.

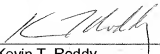
As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is respectfully submitted that the Examiner's Statement is not an accurate quote with respect to each of the allowed claims, and instead, raises "possible misinterpretations, and possible estoppel effects" (MPEP 1302.04) and accordingly, should be disregarded.

While being useful in understanding the invention, the Examiner's comments could lead to an unwarranted and unnecessary narrowing interpretation of the claims. Therefore, it is further submitted that the claims should not be interpreted based on the Examiner's statement.

It is further submitted that the claims are not constrained by such device limitations and that the claims speaks for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

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